



Environment Council of  
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14<sup>th</sup> July, 2017

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## **Environment and Infrastructure Legislation Amendment (Stop Adani) Bill 2017**

Thank you for the opportunity to make this submission to the above Senate enquiry.

The Environment Council of Central Queensland (ECoCeQ) is a regional organisation working closely with other groups and communities to protect environmental values, including water resources, habitat, the global climate and the Great Barrier Reef. We form part of a network of conservation organisations which have been working for decades to protect the natural environment and the ecological systems and services on which we all depend.

The Federal and Queensland governments have each granted approvals for the largest coal mine proposal in Australia, the Adani Carmichael project.

Given that the Bill proposes to amend the *Environment Protection and Biodiversity Conservation Act 1999*, then it is incumbent on the enquiry to make climate pollution a primary consideration in approving the amendments.

Climate pollution has the most significant influence on biodiversity and environmental protection on a global scale. Australians believe the fossil fuel industry has undue influence on political decisions because of the significant donations made to political parties. This influence is exacerbated by the ‘revolving door’ of industry lobbyists and politicians. This process has got to stop. Politicians and board members who have responsibility to make decisions in the best interest of Australians must be liberated from this corrupting influence.

We are not confident that our governments are protecting our environment. The Great Barrier Reef has experienced unprecedented back to back bleaching because of increasing water temperatures while governments at every level are supporting climate pollution by supporting the fossil fuel industry.

The amendments to the Act propose to mandate a broad ‘suitable person’ test to strengthen the EPBC Act, and obliges the minister to make certain considerations before deciding to approve or revoke approval for projects that may be to our detriment.

ECoCeQ supports the following amendments under EPBC Act 1999:  
Items 1-5

*1 Paragraph 131AA(2)(c)*

*2 Subsection 136(1)*

*3 Subsection 136(2) (heading)*

*4 Subsection 136(2)*

*5 Subsection 136(4)*

These amendments mandate the minister to consider the suitability of persons, executive officers and other associates before approval to develop projects in Australia based, on their environmental histories both in Australia and in other countries.

ECoCeQ supports Items 6-8,10

*6 Subsection 143(3)*

*7 Subsection 144(3)*

*8 Subsection 145(3)*

*10 Section 528*

These amendments oblige the minister to consider the environmental history of all persons associated with a project and enables the minister to Revoke, Vary or Suspend approvals if any or all persons are deemed unsuitable.

ECoCeQ does not support:

*Item 9 Subsection 145B(4).*

We do not support the **transfer** of approvals and consider that this is a loophole that needs to be closed. Should an existing approval be revoked, then new applications must go through the full process, with the same considerations as previously endorsed. In considering new applications, consideration must also be given to cumulative carbon emissions produced by the proponent, subsidiaries, or affiliates both in Australia or overseas.

### *Part 2—Application and transitional provisions*

ECoCeQ is broadly supportive of Items:

#### *11 Application*

#### *12 Review of existing approvals*

However we do not support transfer of approvals as discussed earlier.

Additionally, we consider that under Review in *Item 12(3)(a)* the time for initiating review should be reduced from 20 business days to 10. If this is approved, the minimum time between commencement and conclusion of the review is increased from 20 business days to 30, which would reduce time pressure, ensure better process, and still be completed in a timely manner.

ECoCeQ considers that the written report of the review, *Item 12(4) (a) and (b)* should be given to the minister and published on the website on the **same day** for transparency and accountability. The Review should be available for public scrutiny, and submission. Following the review by the minister, and as soon as practicable, *Item 12(9)(a) and(b)*, the decision must be given to the holder on the approval and published on the website on the **same day**.

*Schedule 2—Northern Australia Infrastructure Facility Act 2016*

ECoCeQ supports the amendments proposed for the NAIF Act.

The ‘suitable person’ test must be applied before lending our money to private enterprise. In North Queensland we are regularly battered by tropical cyclones while simultaneously experiencing drought. Other parts of the country are threatened by bushfire at the same time. The recurrence and severity of these events can be attributed to climate pollution. Federal money (ours) should not be given to projects that will exacerbate these events.

The Adani project is financially unviable, even with our money. Adani Power in India, the proposed purchaser of the coal is unfinancial. The Adani ‘Plan of Operations’ for the Carmichael mine is limited to 6 months and involves digging a few holes and resurrecting accommodation but does nothing to suggest a serious enterprise.

Due diligence by the NAIF board will entail mandatory consultation with the Australian securities and Investment Commission, as well as with the Australian Crime Commission. The history of the Adani corporate group and key individuals are under investigation in india for environmental vandalism, tax fraud, price gouging etc. Australia should not allow, encourage or support this behaviour, and especially not with our money. The Adani company is not welcome in Australia – they cannot be trusted.

NAIF funding deliberations must consider a sustainable future for us all, must not fund any new or expanded fossil fuel projects, and instead allocate substantial funding to development and job training in renewable energy systems to enable a just transition away from climate polluting industries.

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